STATE OF NEW YORK

4245

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ENGLEBRIGHT, OTIS, COLTON, FAHY, ABINANTI -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enhancing the state's flood mitigation and coastal resiliency activities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 54-1523 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, paragraphs f and g of subdivision 1 as amended and paragraph h of subdivision 1 as added by chapter 106 of the laws of 2019, is amended to read as follows:

§ 54-1523. Climate adaptation and mitigation projects.

1. The commissioner is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments to a municipality toward the cost of any climate adaptation or mitigation projects. Such projects shall include:

a. the construction of natural resiliency measures, conservation or restoration of riparian areas and tidal marsh migration areas;

b. nature-based solutions such as wetland protections to address physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;

c. relocation or retrofit of facilities to address physical climate risk due to sea level rise, and/or storm surges and/or flooding based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable;

d. flood risk reduction;

e. greenhouse gas emission reductions outside the power sector;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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f. enabling communities to become certified under the climate smart communities program, including by developing natural resources inventories, right sizing of municipal fleets and developing climate adaptation strategies;

g. climate change adaptation planning and supporting studies, including but not limited to vulnerability assessment and risk analysis of municipal drinking water, wastewater, and transportation infrastructure; [~~and~~]

h. to establish and implement easily-replicated renewable energy projects, including solar arrays, heat pumps and wind turbines in public low-income housing in suburban, urban and rural areas**; and**

i. land acquisition, including but not limited to flood mitigation and coastal riparian resiliency; provided, however, no monies shall be expended for acquisition by eminent domain.

2. To the fullest extent practicable, it is the policy of the state to promote an equitable regional distribution of climate adaptation and mitigation projects, consistent with the purpose of this title, taking into account regional differences in climate change risks, socioeconomic conditions and ecological resources.

[~~**3. No monies shall be expended for land acquisition.**~~]

§ 2. The environmental conservation law is amended by adding a new section 54-1525 to read as follows:

§ 54-1525. Restriction on alienation.

Real property acquired, developed, improved, restored or rehabilitated by a municipality pursuant to this title with funds made available pursuant to this title shall not be sold or disposed of or used for other than public purposes without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.

§ 3. Subdivision 6 of section 15-3303 of the environmental conservation law, as added by section 2 of part T of chapter 57 of the laws of 2017, is amended to read as follows:

6. Real property acquired, developed, improved, restored or rehabilitated by or through a municipality**, county soil and water conservation district** or not-for-profit corporation with funds made available pursuant to this title shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than the public purposes of this title without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the commissioner.

§ 4. This act shall take effect immediately.